

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
ELIZABETH CAIN, et al.,

Plaintiffs,

-against-

SHEILA BETHEA, et al.,

Defendants.  
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ORDER

04 CV 3946 (JG)

JOHN GLEESON, United States District Judge:

Having reviewed the objections to Judge Pollak's Report and Recommendation of August 17, 2007, I adopt the thorough and well-reasoned Report and Recommendation in all respects but one. I respectfully decline to adopt the recommended disposition of the defendants' motion for summary judgment on the RICO claim.

Accordingly, (1) Bethea's and Morequity's motions for summary judgment on the plaintiffs' action to quiet title are denied; (2) Morequity's motion for summary judgment on its counterclaim seeking to quiet title is denied; (3) Morequity's motion for summary judgment on its second counterclaim, alleging plaintiffs' ratification of the deed, is denied; (4) the cross-motions for summary judgment on plaintiffs' second cause of action, filed by the plaintiffs, Bethea, Rosen, D'Angelo & Assocs., American International, and Paradigm, are denied; (5) the cross-motions for summary judgment on plaintiffs' third cause of action are denied; (6) Rosen's and Paradigm's motions for summary judgment on plaintiff's fourth cause of action, alleging fraud and misrepresentation on the part of defendants Rosen and Paradigm, are denied; (7) defendants' motions for summary judgment on plaintiffs' RICO cause of action are denied; (8)

Bethea's and Morequity's motions for summary judgment on plaintiffs' TILA claim are granted, and plaintiffs' cross-motion is denied; (9) the cross-motions filed by the plaintiffs and Bethea on plaintiffs' claim seeking reformation of the deed are denied; (10) the motions for summary judgment filed by American International, D'Angelo & Assocs., Morequity, Paradigm, and Rosen on plaintiffs' RESPA claim are granted; and (11) Morequity's motions for summary judgment on its counterclaims for equitable subrogation, unjust enrichment, and fraud are denied.

The pretrial order shall be filed on or before November 19, 2007. The final pretrial conference will be held on November 30, 2007, at 9:30 AM. Trial will take place on December 10, 2007, at 9:30 AM.

So ordered

John Gleeson, U.S.D.J.

Dated: Brooklyn, New York  
September 26, 2007